E-FILED
Rachel Dombrowski, Clerk
Appellate Court of Maryland
7/12/2023 12:05 AM

RECORD EXTRACT OF APPELLANT

IN THE
APPELLATE COURT
OF MARYLAND

September Term 2023,
No. 61

JUSTIN HOLDER

Appellant

V.

BENJAMIN ESTES

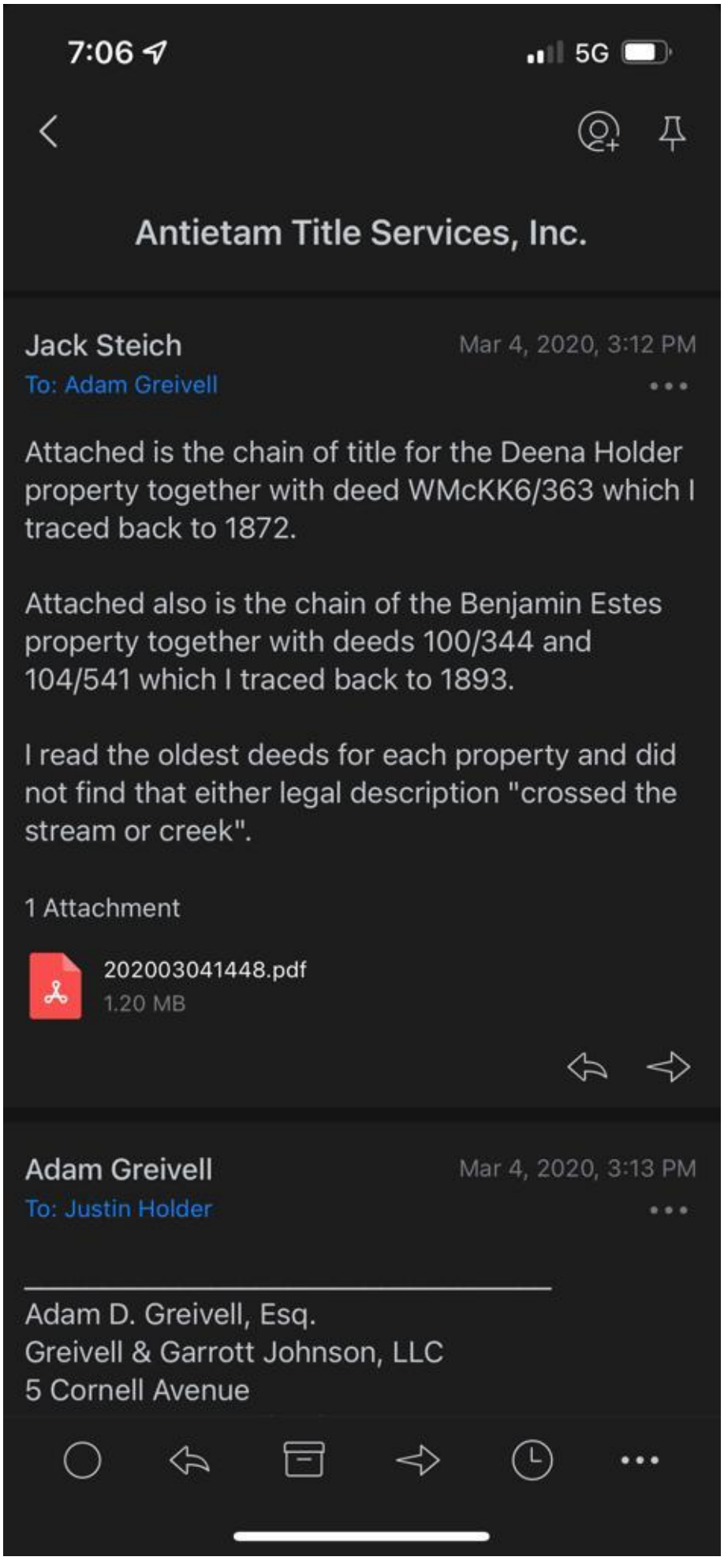
Appellee

Appeal from the Circuit Court of Washington County
The Honorable Andrew F. Wilkinson

RECORD EXTRACT

Volume 6C

JUSTIN HOLDER
APPELLANT


7:06
5G
Antietam Title Services, Inc.
Jack Steich
Mar 4, 2020, 3:12 PM
To: Adam Greivell
Attached is the chain of title for the Deena Holder property together with deed WMcKK6/363 which I traced back to 1872.
Attached also is the chain of the Benjamin Estes property together with deeds 100/344 and 104/541 which I traced back to 1893.
I read the oldest deeds for each property and did not find that either legal description "crossed the stream or creek".
1 Attachment
202003041448.pdf
1.20 MB
Adam Greivell
Mar 4, 2020, 3:13 PM
To: Justin Holder
Adam D. Greivell, Esq.
Greivell & Garrott Johnson, LLC
5 Cornell Avenue

Maryland Department of Environment
Water and Science Administration
Compliance Program - Western Division
160 S Water St, Frostburg, MD 21532
301-689-1480

AI ID: 1000215126 (**temporary** ID) **Inspector:** Peter D Resh

Site Name: **Estes property**
Facility Address: 22 Mt. Hebron Road, Keedysville, MD 21756
County: Washington County

Inspection Date: March 12, 2020 **Start Date/Time:** March 12, 2020**,** 11:00 AM
End Date /Time: March 12, 2020, 12:30 PM

Media Type(s): Waterway Construction

Contact(s): Justin Holder (Citizen Complaint, Adjacent property owner)

Waterway Construction

PAF Number: 20-1080
Site Status: Active
Site Condition: Noncompliance
Recommended Action: Continue Routine Inspection
Inspection Reason: Initial Quarterly, Initial Yearly, PAF
Evidence Collected: Photos/Videos Taken, Visual Observation
Weather: Sunny, mid 60's

Inspection Findings: Today's inspection was conducted to determine if a reported waterway obstruction exists on the Little Antietam Creek (A Use IV-P waterway). Upon arrival I met with Mr. Holder and we walked the eastern boundary of his property. I observed a small foot bridge that spanned the channel of the Little Antietam Creek on the Estes Property. **No MDE WSA permit exists for this bridge.** This bridge exists within the floodway and within the cross section of the flow channel of the creek. Approximately 1-2 feet of freeboard exits between the bridge bottom and the water surface. It is not known if the bridge is removable. This bridge could cause a downstream obstruction if it were to be dislodged by flood waters. A length of black plastic piping was observed near this bridge. The piping is rolled and appears to be well or water line. No disturbance was associated with this piping at the time of this inspection.

The presence of a small foot bridge on the Estes Property is in Violation of Maryland Environmental Article Title 5

1. An unauthorized footbridge exists on this property that spans the channel of the Little Antietam Creek; this alters the channel cross section of this water way // Either, remove the bridge or apply to MDE WSA Division of Waterway Construction for permit authorization.

Please contact me upon implementation of the requested corrective actions necessary to bring the site into compliance. If you have any questions or need assistance please contact me at 443-835-9397 or at the email address listed below. You may also contact my supervisor, Brad Metzger, with any questions or concerns at (301) 689-1484.

Waterway Construction- Inspection Checklist

Inspection Item	*Status*	*Comments*

Inspection Date: March 12, 2020
Site Name: Estes property
Facility Address: 22 Mt. Hebron Road, Keedysville, MD 21756

Waterway Construction- Inspection Checklist

Inspection Item	*Status*	*Comments*
1. Has the activity/construction been authorized by a Nontidal Wetlands and Waterway Authorization? [Environment Article §5-503]	Out of Compliance	see findings
2. Is the activity/construction occurring in accordance with the approved plan and permit conditions? [Environment Article §5-508]	Not Applicable	
3. If the work could be authorized by a General Waterway Construction Permit, has the Department received plans, specifications and notice at least 30 prior to the commencement of construction? [COMAR 26.17.04.10B(1)]	Not Applicable	
4. If applicable, does the site have an approved sediment and erosion control plan? [COMAR 26.17.04.10B(4)]	Not Applicable	
5. Is in-stream work occurring outside the closure period? [COMAR 26.08.02.11B(4)(f)]	Not Evaluated	
6. Has the site obtained a water quality certification prior to beginning work? [COMAR 26.08.02.10E(2)(b)i]	Out of Compliance	see findings
7. In the case of emergency repairs, has the owner notified the Department within 24 hours of initiating repairs and are the repairs limited to the minimum necessary to safeguard life and property from imminent danger? [COMAR 26.17.04.06]	Not Applicable	
8. For any permanent impoundment, has the construction been authorized by the local NRCS or the Department? [COMAR 26.17.04.05G]	Not Applicable	
9. For all completed dams and ponds, has the permittee submitted an as-built certification? [COMAR 26.17.04.05]	Not Applicable	

Inspector: Peter D. Resh

Peter D Resh/Date
peter.resh@maryland.gov
301-689-1483

Received by: _____
Signature/Date

_____
Print Name

Report Provided to:
[ ] Fax
[X] Email estes.ben@gmail.com, wuhib.bayou@maryland.gov
[ ] Regular Mail
[ ] Certified Mail

MARYLAND DEPARTMENT OF THE ENVIRONMENT

CITIZEN REFERRAL/COMPLAINT FORM

RECORD NUMBER: 20-1080
DATE RECEIVED: 2 / 11 / 20
TIME RECEIVED: (24HR) 15:20

DOES THE COMPLAINANT WISH TO BE KEPT CONFIDENTIAL: YES ☐ NO (CIRCLE) ☒

RECEIVERS NAME: BRAD METZGER BY PHONE TRANSFERRED FROM BALTIMORE
HOW WAS THE COMPLAINT RECEIVED: (1)PHONE (2)LETTER (3)PERSON (4)800 (CIRCLE)

COMPLAINANTS NAME: JUSTIN HOLDER
COMPLAINANTS ADDRESS: JHOLDER2004@GMAIL.COM
COMPLAINANTS CITY: _____ STATE: MD ZIP: _____
COMPLAINANTS PHONE:(HOME) 240 356 2008 (WORK) _____
ADDITIONAL CONTACT NAME: _____ PHONE: _____

WHAT IS THE NATURE OF THE PROBLEM: (1)SEDIMENT (2)STORMWATER (3)FLOODPLAIN (4)INDUSTRIAL (5)MUNICIPAL (6)AGRICULTURAL (7)TIDAL WETLANDS (8)SURFACE MINING (9)COAL MINING (10)NON-TIDAL WETLANDS (11)OTHER (CIRCLE ONE)

PROBLEM CODE: NTW (THREE LETTERS FROM CODE SHEET)

PROBLEM DESCRIPTION: COMPLAINANT JUSTIN HODER ALLEGES BEN ESTES AT 22 MT. HEBRON RD, KEEDYSVILLE HAS PUT IN A PEDESTRIAN BRIDGE AND IS INSTALLING 500 FT. OF 1.5 INCH WELL PIPE WITH OUT MDE WW AUTHORIZATION ON THE WEST SIDE OF THE KEEDYSVILLE TOWN SPRING.

LOCATION OF PROBLEM: 22 MT. HEBRON RD, KEEDYSVILLE

COUNTY: WA BOOK MAP COORDINATES: PAGE: _____ LTR GRID: _____ NUM GRID: _____
REGION: Western ASSIGNED TO: PDR (INITIALS) ASSIGNED BY: JBM (INITIALS)
DATE ASSIGNED: 2 /11 / 20 TIME: (24HR) 1540

DISTRIBUTION; WHITE - DATA ENTRY YELLOW - FACILITY FILE PINK - COMPLIANCE SPECIALIST ASSIGNED

Maryland

Peter D Resh -MDE- <peter.resh@maryland.gov>

22 Mount Hebron Rd.

1 message

benjamin estes <estes.ben@gmail.com> Wed, Mar 18, 2020 at 7:27 PM
To: peter.resh@maryland.gov

Mr. Resh:

I received your voicemail. I have actually been anticipating your call, as I am aware my neighbor had contacted you. Just Fyi, as I am sure you are aware, Mr. Holder has cut and removed a great number of bushes, shrubs, and at least one tree from our land that lines the creek...and his actions are the subject of litigation.

I am happy to talk with you, however, it is difficult to talk during regular hours as I work as a pharmacist in charge of a busy community health pharmacy. During the pandemic, as you can imagine we are absolutely flat out from 8am until 7 pm.

Communication is much easier for me via email. If possible can you let me know what is transpiring via email.? I will call as I can.

Additionally, there is some context you should also be aware of.

Ben Estes

Maryland

Peter D Resh -MDE- <peter.resh@maryland.gov>

Fwd: Ben Estes work at near Keedysville Spring

1 message

Brad Metzger -MDE- <brad.metzger@maryland.gov> Tue, Feb 11, 2020 at 4:02 PM
To: Peter D Resh -MDE- <peter.resh@maryland.gov>

Here's a new PAF 20-1090. Complainant is Justin Holder, phone 240 356 2008. He says he told his neighbor Mr. Ben Estes that he needs a permit for his pedestrian bridge and proposed water line.
You might check tempo for Estes name and /or address. I think we have dealt with him before.
Holder will be in Costa Rica until March 1. He says email is a good way to communicate with him.
He says it's okay to access the stream through his wife's property at 28 and 30 Antietam Drive.

CHANGING Maryland FOR THE BETTER

Brad Metzger
District Manager
Water and Science Administration
Maryland Department of the Environment
160 South Water Street
Frostburg, Maryland 21532
brad.metzger@maryland.gov
301-689-1484 (O)
301-876-5711 (M)
Website | Facebook | Twitter

Click here to complete a three question customer experience survey.

---------- Forwarded message ---------
From: **Justin Holder** <jholder2004@gmail.com>
Date: Tue, Feb 11, 2020 at 3:36 PM
Subject: Re: Ben Estes work at near Keedysville Spring
To: Brad Metzger -MDE- <brad.metzger@maryland.gov>

Sorry about the first email. Pics were not exactly right lol.
Now you can put a face to me and my wife's names!

On Tue, Feb 11, 2020, 3:28 PM Brad Metzger -MDE- <brad.metzger@maryland.gov> wrote:

> Justin,
> If you can send us a picture or two I'd appreciate it.
>
> CHANGING Maryland FOR THE BETTER
>
> **Brad Metzger**
> District Manager
> Water and Science Administration
> Maryland Department of the Environment
> 160 South Water Street
> Frostburg, Maryland 21532
> brad.metzger@maryland.gov
> 301-689-1484 (O)
> 301-876-5711 (M)
> Website | Facebook | Twitter

> Click here to complete a three question customer experience survey.
>
> Click here to complete a three question customer experience survey.

Click here to complete a three question customer experience survey.

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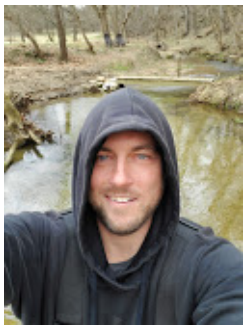
5 attachments



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5670K

20200128_154859.jpg
5964K

PAF 20-1080 Justin Holder re Ben Estes near Keedysville Spring pdr wa.docx
564K

Maryland

Peter D Resh -MDE- <peter.resh@maryland.gov>

Re: 22 Mount Hebron Rd.

1 message

benjamin estes <estes.ben@gmail.com> Thu, Mar 19, 2020 at 12:57 PM
To: Peter D Resh -MDE- <peter.resh@maryland.gov>

Mr. Resh:

I have not had the small footbridge permitted. I did not think one is needed. I do have it tied off and it has been in place for years. Please advise on how I need to proceed.

Perhaps the biggest reason why I did not think that a permit is/was necessary is the construction of a very large bridge unpermitted bridge with very large concrete footings upstream from my property along the small creek upstream from the Spring. The county came out to inspect and said one was not needed? There have been several thousand pounds of concrete footings placed.

The black hose/line is leftover from the prior owner. I do not know what his intentions were. There is also a large culvert that he left behind. I just don't have the equipment or manpower to remove them. However, if necessary, I will find a way to move them.

Please just keep me advised as I am willing, as always, to comply with your mandates.

Ben

On Thu, Mar 19, 2020, 12:01 PM Peter D Resh -MDE- <peter.resh@maryland.gov> wrote:

> Good Morning Ben,
>
> I understand that your hours of work are a limiting factor with phone conversation. By all means please elaborate any and all the info you have about this situation. I am aware what Mr. holder did along the property line and onto your property. I directed him to stabilize the disturbance I observed on his property. I am inquiring if the small foot bridge was ever permitted by MDE WSA division of Waterway Construction. I am going to consult with the compliance engineer about the presence of this bridge in this waterway, to determine if any permit is even needed if one was never issued or obtained. I'm also curious about the length of plastic water line (coiled) I observed near the south eastern bank of the Little Antietam Creek. What is its intended purpose?
>
> I look forward to discussing this situation in more detail when you have the time.
>
> On Wed, Mar 18, 2020 at 7:26 PM benjamin estes <estes.ben@gmail.com> wrote:
>
> > Mr. Resh:
> >
> > I received your voicemail. I have actually been anticipating your call, as I am aware my neighbor had contacted you. Just Fyi, as I am sure you are aware, Mr. Holder has cut and removed a great number of bushes, shrubs, and at least one tree from our land that lines the creek...and his actions are the subject of litigation.
> >
> > I am happy to talk with you, however, it is difficult to talk during regular hours as I work as a pharmacist in charge of a busy community health pharmacy. During the pandemic, as you can imagine we are absolutely flat out from 8am until 7 pm.
> >
> > Communication is much easier for me via email. If possible can you let me know what is transpiring via email.? I will call as I can.
> >
> > Additionally, there is some context you should also be aware of.
> >
> > Ben Estes
>
> --

Peter Resh
Environmental Compliance Specialist
Water & Science Administration, Compliance Program
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230
peter.resh@maryland.gov
301-689-1483 (O)

Website | Facebook | Twitter

Click here to complete a three question customer experience survey.

Click here to complete a three question customer experience survey.

Maryland

Peter D Resh -MDE- <peter.resh@maryland.gov>

Re: Mt. Hebron Rd.

1 message

benjamin estes <estes.ben@gmail.com> Fri, Jul 24, 2020 at 4:21 PM
To: Peter D Resh -MDE- <peter.resh@maryland.gov>

Mr. Resh,

The subject of the current litigation with Mr. Holder involves his cutting and removal of the shrubs, trees, foliage, etc. from my property along the west side of the Little Antietam Creek. Since you were last here he has continued to clear vegetation from the creekside/flood zone at the juncture of the two streams all the way up to the railroad bridge on the Little Antietam Creek, leaving almost no vegetation except for the largest of trees.

If you want to take a look I get to work from home most days...so just let me know.

Ben

On Thu, Jul 23, 2020, 8:00 AM Peter D Resh -MDE- <peter.resh@maryland.gov> wrote:

> Good Morning Mr. Estes,
>
> I am able to perform inspections on a case by case basis. I would be interested to know about what Mr. Holder has done in reference to the floodplain. Please contact me about possible dates and times I could meet you onsite. I have included my supervisor Mr. Brad Metzger in this email response since you mentioned there may be litigation against Mr. Holder.
>
> On Wed, Jul 22, 2020 at 11:56 AM benjamin estes <estes.ben@gmail.com> wrote:
>
> > Mr. Resh:
> >
> > If you are back and able to do inspections, I would like you to come out and I will personally remove the bridge for you. I can also show you what Mr. Holder has done in the floodplain as well as the bridge on the Burtner land.
> >
> > I would also like to talk to you about what Mr. Holder has told you in your interactions with him, as his actions are the subject of litigation and you may be called as a witness when it goes to trial.
> >
> > Additionally, I will be applying for a permit/waiver for a replacement bridge.
> >
> > Thanks,
> >
> > Ben Estes

--

CHANGING Maryland FOR THE BETTER

Peter Resh
Environmental Compliance Specialist
Water & Science Administration, Compliance Program
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230
peter.resh@maryland.gov
301-689-1483 (O)

Website | Facebook | Twitter

Click here to complete a three question customer experience survey.

Click here to complete a three question customer experience survey.

From: mayorkenlord <mayorkenlord@gmail.com>
Sent: Thursday, May 21, 2020 11:54 AM
To: Christine Morral <morral7@msn.com>
Cc: morral6 <morral6@msn.com>
Subject: Re: Please advise

Let me add that you are not the only folks that I am hearing from about his activity and we are looking into it right away. Has he come to your door asking to discuss anything?

Ken

Sent from my Verizon, Samsung Galaxy smartphone

-------- Original message --------
From: Christine Morral <morral7@msn.com>
Date: 5/20/20 9:53 PM (GMT-05:00)
To: mayorkenlord@gmail.com
Cc: morral6 <morral6@msn.com>
Subject: Please advise

Good evening Mr. Lord,

We live in the back of Stonecrest. Our home backs to the tree line against the old railroad ravine. I believe our property line is only about 10 feet away from the cut. We have a fence, which we put in that sits about 5 feet from our property line. This email is in reference to the home that is directly across from us on the other side of the rail cut (28 Antietam Dr owned by Deena Holder).

About six months ago we noticed that there was activity beyond their property line. They planted trees on our side of the cut (didn't think much of it, Justin Holder told us it was to add privacy). They have been clearing in areas of land across the cut, seemingly to build something. They have been also clearing areas of land owned by Maryland general real estate as well. Evidently, they have been clearing hiking trails and a swimming area at the creek. Several neighbors on the tree line side of our neighborhood have seen him walking around and taking pictures of the Maryland owned property. We have noticed enough activity that we have become curious as to what he is doing in the state owned area.

Today, Mr. Holder came to our door to invite us to a huge party on June 20th. He said he is having several bands and food. We found this odd because of the current COVID situation. But, we played along to get more information. Mr. Holder told us he has been "renovating the creek area" (owned by the state) and cleaning brush and making it usable for our community. We commend him on this. However, we are convinced that it is not the community's interest he has in mind. He had marked our property line earlier in the day. Our corner property has a large pile of iron rock which was blasted and left there at the time that the railroad was built in 1867. When we asked him why he was on our side of the ravine marking our corner property line, he told us he has planed to build a driveway along the fence line of five of our homes. He asked if

he could remove our rock pile so that he could build it. He told us that years ago there was an easement that his property owns that used to have a driveway there. We found this interesting because the pile of blasted rock has been there since 1867 and no driveway could have existed through them. He said he is going to continue with his plans to take down the conserved tress and build a driveway.

Our questions for you..Do you have any permits on file for any work being done at 28 Antietam Dr? Are you aware that he has been interfering with the Maryland Conserved land area? Can you please advise us on the best approach to his interference? We realize that this would be a civil matter and that if we see him acting on his own without permit or authorization, the police will not be able to help. We would like to be proactive and have this handled before he damages any more trees or rock in the area that is not his property, but that we enjoy as aesthetically pleasing to ours.

We look forward to your advice and approach to this situation.
Best to you,

Scott and Christine Morral
138 Stonecrest Cir
Keedysville MD 21756
301-693-3810

0487
Examined

At the request of Elias Crampton the following Bill of Sale was recorded
April 4th 1799 Tomich —

KNOW all Men by these presents that we Bonton Cole and Isaac Cole both of Washington County and State of Maryland for and in Consideration of the sum of fifty pounds specie to us in hand paid at and before the ensealing and delivery of these presents wherewith we confess ourselves fully satisfied contented and paid have bargained and sold and by these presents do fully clearly and absolutely grant bargain and sell unto the said Elias Crampton a Negro Girl named Elenor about twelve years of age To have and to hold the said negro Girl Elenor to the said Elias Crampton his heirs executors administrators and assigns to his and their own proper use and behoof forever and we the said Bonnet Cole and Isaac Cole our heirs executors administrators and assigns the said Negro Girl aforementioned unto the said Elias Crampton his heirs executors administrators and assigns against all persons shall & will warrant and forever defend by these presents whereof we have hereunto set our hands and affixed our seals this twenty Eighth day of March one thousand seven hundred and ninety nine

Signed sealed and delivered in the presence of —
Rozin Crampton

Bonnet Cole (Seal)
Isaac Cole (Seal)

Washington County Set on the twenty eighth day of March 1799 came the above Bonnet Cole and Isaac Cole before me the subscriber one of the Justices of the peace for the said County and State of Maryland aforesaid and acknowledged the aforesaid Bill of sale according to Law before me —

Thomas Crampton

Examined

At the request of John Core the following Deed was recorded
April 4th 1799 Tomich

This Indenture this first day of April in the year of our Lord one thousand seven Hundred and ninety nine between Jacob Hess of Washington County and State of Maryland of the one part and John Core of the County and State aforesaid of the other part Witnesseth that Jacob Hess for and in Consideration of the sum of pounds of smelling and damming little Antietum so high as to encumber said John Horse premises and for — petalication and satisfaction of the same the said Jacob Hess doth by these presents and hath by these granted bargained sold aliened enfeoffed and confirmed and doth by these presents absolutely grant bargain sell and confirm unto him the said John Core his heirs executors administrators and assigns forever all that part of a Tract of Land called Gordons purchase situate lying and being in the County and State aforesaid beginning for and part at the end of thirteen and one half perches on the second line of a Tract of Land called Gordons purchase and running with the said Line thence South thirty three degrees east forty six perches

(and)

WASHINGTON COUNTY COURT (Land Records, Original) M, p. 0487, MSA_CE67_12. Date available 10/12/2007. Printed 06/09/2023.

and one half perch north forty Degrees east ~~fourteen~~ Sixty perches and Eleven Links to a stone
then North six degrees west twenty one perches to the head of a large Spring known by
the name of the big Spring and running thence down through the Middle of said Spring run
North Eighty Eight degrees and one quarter of a Degree west seventeen perches and still
through the Middle of said run north forty eight degrees west Eighteen perches then
by a straight line to the beginning Containing and Land out for three acres and eight
perches of Land together with all and singular the Land and premises with the appur-
tenances rights profits privileges and advantages to the said Land together with all
houses, buildings Gardens Orchards Fields woods underwoods Water and Water Courses
and all and singular the before mentioned Land and premises thereunto belonging or in
any wise thereunto appertaining To have and to hold unto him the said John Love his
heirs executors administrators and assigns forever to his and their own proper use
and behoof and to and for no other use intent or purpose whatsoever to him the said
John Love his heirs and assigns forever and the said Jacob Hess doth covenant grant
and agree to and with him the said John Love and his heirs that the said Jacob Hess
and his heirs shall and will from time to time and at all times at all times at
the proper Cost and Charges in the Law of him the said John Love or his heirs will
Warrant and forever defend the aforesaid Land and every part and parcel thereof
from all persons that may claim under him the said Jacob Hess to the aforesaid
Land and premises provided allways and forever hereafter that if the said John Love
his heirs executors or assigns forever hereafter will let the said Jacob Hess his heirs
executors administrators or assigns forever hereafter let the said Jacob Hess Mill Dam
be at the same height that it now is and the said John Love and Jacob Hess
have set a stone on the West side of the Dam one or two and twenty Perches from
from the breast of the Dam the standard being a hole in the rock bored with a
stone augur and the said John Love and Jacob Hess doth agree that the same
shall be the height that the same Mill Dam may always be kept at
and the said John Love his heirs executors administrators and assigns shall not
Dam or cause to be dammed or make any use of the aforesaid Creek called Little
Antietam and big Spring run only for priviledge for Creatures of all sorts to go
and Drink and to Dispose as much water as he pleases In Witness whereunto
the said Jacob Hess hath hereunto set his hand and affixed his seal this
day and year first above written

Jacob Hess [Seal]

Signed Sealed and Delivered in the presence of

April 1st 1799 The receipt of the consideration within mentioned hereby
acknowledged by the said Jacob Hess as a full satisfaction for the within
Mentioned Land provided always the said John Love complies with the within
Mentioned Contract —

Jacob Hess

WASHINGTON COUNTY COURT (Land Records, Original) M_R_0488, MSA_CE67_12, Date available 10/12/2007. Printed 06/09/2025.

1989 Maryland Washington County Sct On the first day of April one thousand seven hundred and ninety nine appeared before the subscriber an Associate Justice for said State and County Jacob Rep who acknowledged the within instrument of writing to be his act and Deed agreeable to the true intent and meaning thereof and according to an act of Assembly in such case made and provided —

Acknowledged before George Scott

Examined
Delivered

At the request of Jonathan Myers the following Deed was Recorded April 4th 1799 Jones

This Indenture made this first day of April in the year of our Lord one thousand seven hundred and ninety nine between James Johnson and Roger Johnson of Frederick County and State of Maryland of the one part and Jonathan Myers of Washington County and State aforesaid of the other part Witnesseth that for and in consideration of the sum of Two hundred and fifty pounds Current Money of Maryland to the said James Johnson and Roger Johnson in hand paid by the said John Myers at or before the sealing and delivery of these presents the receipt whereof they hereby acknowledge and therefrom do release acquit and discharge the said Jonathan Mayer his Executors and administrators by these presents they the said James Johnson and Roger Johnson have granted bargained and sold and by these presents do grant bargain and sell unto Jonathan Mayer and his heirs and assigns forever all that part of a Tract of Land lying and being in Washington County called the Resurvey on Bucks resort that lies within the following lines and Limits to wit beginning of the whole tract and running with the first part thereof north fifty degrees east eighty eight perches then north twenty seven and an half degrees west eighty five perches to the end of thirty three perches on the first south line of said whole Tract then with that and other the out lines thereof to the beginning containing two hundred and fifty acres of Land more or less and all houses buildings orchards Ways waters water courses profits commodities hereditaments and appurtenances whatsoever to the said premises hereby granted, or any part thereof belonging or in any wise appertaining and the reversion and reversions remainder rents issues and and profits thereof and also all the estate right title interest use trust property and Demand whatsoever of them the said James Johnson & Roger Johnson of in and to the said premises and all Deeds Evidences and writings touching or in any wise concerning the same Tobacco and whole the said part of a Tract of Land hereby conveyed and all and singular other the premises hereby Granted and every part and parcel thereof with their and every of their appurtenances unto the said Jonathan Mayer his heirs and assigns forever to the only proper use and behoof of him the said Jonathan Mayers and of his heirs and assigns forever and the said James Johnson & Roger Johnson for themselves and for their heirs executors and administrators do covenant promise and grant to and with Jonathan Mayer his heirs and assigns by these presents that the said James)

WASHINGTON COUNTY COURT (Land Records, Original) M, p. 0489, MSA_CE67_12. Date available 10/12/2007. Printed 06/09/2023.

WASHINGTON COUNTY CIRCUIT COURT (Land Records) KRT 6070, p. 0197, MSA_CE18_6022. Date available 09/24/2019. Printed 05/22/2020.

"PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION"

THIS DEED, made this 31st day of May, 2019, by Deena A Holder ("Grantor") and Uncle Eddies brokedown palace, LLC, a New Mexico limited liability company ("Grantee") and by Grantor and Grantee unto the Town of Keedysville and Washington County, Maryland (the "Easement Grantees").

WITNESSETH:

That in consideration of the sum of Zero and 00/100 Dollars ($0.00),which includes the amount of any outstanding Mortgage or Deed of Trust, if any, the receipt and sufficiency of which are hereby acknowledged, the said Grantor, does hereby grant and convey to the said Grantee, as sole owner, in fee simple:

The whole of that parcel of land transferred by a Deed dated August 14, 2018 from Uncle Eddies Brokedown Palace, LLC, a New Mexico limited liability company to Deena A. Holder, and recorded among the Land Records of Washington County, Maryland at Liber 5827, folio 370, and further described therein as follows:

> Situate along the Northeast side of the old Washington County Railroad Tracks at the end of Antietam Drive in the town of Keedysville, Election District No. 19, Washington County, Maryland and being more particulary described in accordance with a survey dated April 2018 by Frederick, Siebert and Associates, Inc. as follows:
>
> Beginning at a point on the northeasterly side of the lands of the Maryland Natural Resources (Liber 1015, folio 796), said lands of the Natural Resources previously being in the Washington County Railroad and said point of beginning being located at the end of the third line of Parcel No. 2 of the lands conveyed by the Estate of Mary Jane Hutzell to Carl French by deed dated August 29th, 2017 and recorded at Liber 5596, folio 488 among the Washington County Land records; said Parcel No. 2 also being further shown on a drawing attached to a deed recorded at Deed book 143, page 381 among the Washington County Land Records, thence leaving the lands of the Maryland Natural resources and running with the third and second lines of the above referenced deed and running in a clockwise direction and with corrected bearings and distances to match the monumentation and along lands now or formerly of Carl French (Liber 5596, Folio 488) N 42 degrees 34' 12" E 97.38 feet to a stone by a large Walnut Tree, thence n 14 degrees 46'18" E 52.51 feet to a stone, thence along lands of, or formerly of, Bryan C. Smith (Liber 4861 folio 41) S 61 degrees 15'10" E 50.04 feet to a point, thence S 35 degrees 33' 19" E 69.11 feet to a point, thence N 90 degrees E 56 feet to the foot of a rock cliff, thence N 29 degrees 26' 50" E 316.02 feet to a tree on the bank with old fence, thence along the top of the bank, N 88

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degrees 08' 13" E 50.00 feet to a point in the fence line, thence S 75 degrees 45' 46" E 47.73 feet to intersect the line of Benjamin Estes (Liber 4491, Folio 100), thence along Benjamin Estes, S 55 degrees 03' 22" E 55.83 feet to an old corner fence post, thence running with the old fence line, S 0 degrees 18' 05" E 57.27 fee to a fence post, thence S 3 degrees 47' 39" W 203.44 feet to a point in or near the Little antietam Creek, thence S25 degrees 59' 35" W 269.59 feet to a point intersecting the Western Maryland Railroad, thence running with the lands of the Maryland Natural Resources (Liber 1015, folio 796) and previously being the Western Maryland Railroad, thence running with the lands of the Maryland Natural Resources, N 39 degrees 12' 57" W 100.02 feet to a point, thence N 41 degrees 09' 39" W 100.15 feet to a point, thence N 46 degrees 35' 58" W 101.13 feet to a point, thence crossing over the existing driveway serving the herein described property, N 31 degrees 27' 09" W 20.29 feet to the place of beginning. Containing 3.81 acres of land more or less; Said lands are conveyed subject to and together with any conditions, restrictions, easements or rights-of-way of record and applicable thereto. Said lands intended on being all of the remaining lands as conveyed by Ivan S. Hammond and Virginia Hammond, his wife to Harry C. Hutzell Jr. and Mary Jane Hutzell, his wife by deed dated May 20, 1964 and recorded at Liber 408, folio 137 among the land records of Washington County, Maryland. The improvements thereon being known as 28 Antietam Drive, Keedysville, Maryland 21756, Being the same property described in Liber 408 at Folio 137. Together with the buildings and improvements thereon erected, made of being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

SAVING AND EXCEPTING THE FOLLOWING:

Situate at the end of Antietam Drive, approximately 900 feet southeastward from its intersection with South Main Street in the Town of Keedysville, Election District No. 19, Washington County, Maryland and being more particularly described as follows:

Beginning at an iron pin and cap set along the southeastern side of a relocated driveway and also being along the northern right-of-way line of the lands of the Maryland Natural Resources (Liber 1015, folio 796), thence running in a clockwise direction and continuing along the east and south sides of the relocated driveway, N 39°42'31" E 77.04 feet to an iron pin, thence S 58°12'18" E 145.88 feet to an iron pin and cap set, thence S 50°32'19" E 43.99 feet to an iron pin and cap set, thence S 43°37'48" W 118.74 feet to an iron pin and cap set along the northern boundary of the Maryland Natural Resources (Liber 1015, folio 796), thence running with same N 41°09'39" W 100.15 feet to an iron pin, thence N 46°35'58" W 81.64 feet to the place of beginning;

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Said lands being all the Proposed Reconfigured Parcel 127 as shown on a plat of subdivision for parcel reconfiguration of parcels 127 and 414 for Deena Holder and Uncle Eddie's Broken Down Palace, LLC and recorded at Washington County Plat Folio 10955 and dated April 18, 2019.

Said lands are conveyed subject to and together with the conditions and restrictions shown on the said Plat No. 10955 as well as to any and all other conditions, restrictions, easements or rights-of-way of record and applicable thereto.

Said lands are conveyed together with a right-of-way over Antietam Drive and running from the herein described property over a portion of the other lands of Parcel 414 as shown on said plat and thence continuing in a westerly direction to intersect South Main Street.

Said lands are conveyed together with the right of Grantee to use the 20' wide utility easement as shown on said plat, and the said 20' wide utility easement is being granted by both Grantor and Grantee herein unto the Town of Keedysville and Washington County (the Easement Grantees), as more specifically described as follows, and on the said plat:

Situate approximately 900 feet eastward from the intersection of Antietam Drive with South Main Street in the Town of Keedysville, Washington County, Maryland and being more particularly described as follows:

Beginning at an iron pin and cap along the northern boundary of the lands of the Maryland Natural Resources (Liber 1015, folio 796), said corner also being the most southeastern corner of the lands of Deena Holder and recorded at Liber 5824, Folio 352 among the Washington County Land Records, thence running in a clockwise direction and continuing along lands of Deena Holder (Liber 5824, folio 352) N 42°34'12" E 19.25 feet to a point, thence leaving said line and running with the perimeter of said 20 foot wide utility easement, S 38°19'57" E 14.18 feet to a point, thence N 33°26'05" E 22.46 feet to a point, thence N 40°14'24" E 31.22 feet to a point, thence N 56°54'18" E 16.49 feet to a point, thence N 77°52'09" E 17.47 feet to a point, thence S 75°00'55" E 12.14 feet to a point, thence S 68°09'06" E 45.64 feet to a point, thence S 65°24'49" E 67.61 feet to a point, thence S 51°54'56" E 24.02 feet to a point, thence S 51°15'51" E 68.02 feet to a point, thence S 0°09'24" E 21.94 feet to a point, thence S 21°26'49" W 24.96 feet to a point, thence N 68°33'11" W 20.00 feet to a point, thence N 18°13'27" E 28.31 feet to a point, thence N 50°56'47" W 60.28 feet to a point, thence N 51°54'56" W 12.33 feet to a point, thence S 37°05'30" W 48.29 feet to a point, thence N 54°08'47" W 20.00 feet to a point, thence N 37°03'02" E 46.67 feet to a point, thence N 65°39'26" W 53.46 feet to a point, thence N 68°09'06" W 44.03 feet to a point, thence N 75°00'55" W 6.12 feet to a point, thence S 77°52'09" W 8.95 feet to a point, thence S 56°54'18" W 9.86 feet to a point, thence S 40°14'24" W 27.10 feet to a point, thence S 33°26'05" W 25.62 feet to a

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point, thence S 43°44'40" W 21.69 feet to a point intersecting the northern right-of-way line of the Maryland Natural Resources property (Liber 1015, folio 796), thence running with said line, N 46°35'58" W 14.49 feet to a point and N 31°27'09" W 20.29 feet to the place of beginning;

Containing 8179 square feet of land or 0.188 acres;

Said easement is conveyed for the purpose of allowing the construction and maintenance of proposed grinder pumps and a force main line over the lands of the proposed reconfigured parcel 127 and parcel 414 as shown on a plat of subdivision for parcel reconfiguration of parcels 127 and 414 for Deena Holder and Uncle Eddie's Brokedown Palace, LLC and recorded at Washington County Plat folio 10955.

Said easement being over lands as conveyed by Uncle Eddie's Brokedown Palace, LLC to Deena A. Holder by deed dated August 14, 2018 and recorded at Liber 5827, folio 370 among the Land Records of Washington County, Maryland, and over lands as conveyed by this herein Deed from Deena A. Holder to Uncle Eddie's Brokedown Palace, LLC.

Said lands being a portion of the lands as conveyed by Uncle Eddie's Broken Down Palace, LLC to Deena A. Holder by deed dated August 14, 2018 and recorded at Liber 5827, folio 370 among the Land Records of Washington County, Maryland.

AS A RESULT of the hereinabove conveyance, the Grantor and Grantee intend to abandon the previous boundary line between their respective parcels and to reconfigure the parcels as shown on the said Plat No. 10955, such that the Grantee's resulting parcel is hereafter described as follows:

Situate at the end of Antietam Drive, approximately 900 feet southward from its intersection with South Main Street in the Town of Keedysville, Election District No. 19, Washington County, Maryland and being more particularly described as follows:

Beginning at an iron pin and cap along the northern boundary of the lands of the Maryland Natural Resources (Liber 1015, folio 796), said corner also being the most southeastern corner of the lands of Deena Holder and recorded at Liber 5824, folio 352 among the Washington County Land Records, thence running in a clockwise direction and continuing along the lands of Deena Holder (Liber 5824, folio 352), N 42°34'12" E 97.38 feet to an iron pin, thence N 14°46'18" E 52.51 feet to an iron pin, thence N 57°08'06" W 247.62 feet to a point in or near the edge of the Little Antietam Creek, thence running with the Little Antietam Creek, N 62°49'04" E 24.13 feet to a point, thence S 69°36'29" E 78.90 feet to a point,

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thence S 61°02'41" E 156.91 feet to a point, thence S 43°01'01" E 66.30 feet to a point, thence N 84°38'24" E 42.54 feet to a point, thence N 61°06'13" E 63.34 feet to a point, thence N 45°40'37" E 72.00 feet to a point, thence N 32°55'12" E 59.15 feet to a point, thence N 29°39'31" E 92.95 feet to a point, thence N 67°20'38" E 25.51 feet to a point, thence S 74°06'53" E 45.72 feet to a point, thence S 74°28'13" E 33.40 feet to a point, thence running into said lands S 23°46'58"W 13.52 feet to a point, thence S 55°03'22" E 55.83 feet to a point, thence S 0°18'05" E 57.27 feet to a point, thence S 3°47'39" W 203.44 feet to a point in the Little Antietam Creek, thence with said Creek, S 34°59'35" W 148.50 feet to a point, thence S 25°59'35" W 269.59 feet to a point, thence leaving said Creek and running along the lands of the Maryland Natural Resources (Liber 1015, folio 796), N 52°06'10" W 40.88 feet to a point, thence N 33°02'26" W 100.38 feet to an iron pin and cap set, thence N 39°12'57" W 100.02 feet to an iron pin and cap set, thence running with the reconfigured Parcel 127, S 43°37'48" W 118.74 feet to an iron pin and cap set, thence N 50°32'19" W 43.99 feet to a point, thence N 58°12'18" W 145.88 feet to an iron pin and cap, thence S 39°42'31" W 77.04 feet to an iron pin and cap set along the lands of the Maryland Natural Resources (Liber 1015, folio 796), thence continuing with said lands and crossing over the existing driveway and right-of-way, N 46°35'58" W 19.49 feet to a point, thence N 31°27'09" W 20.29 feet to the place of beginning;

Containing 3.95 acres of land more or less;

Said lands being all the Proposed Reconfigured Parcel 414 as shown on a plat of subdivision for parcel reconfiguration of parcels 127 and 414 for Deena Holder and Uncle Eddie's Broken Down Palace, LLC and recorded at Washington County Plat folio 10955. Said lands are conveyed subject to and together with the conditions, restrictions shown thereon as well as to any and all other conditions, restrictions, easements or rights-of-way of record and applicable thereto.

Said lands are conveyed together with a right-of-way over Antietam Drive and running from the herein described property in a westerly direction to intersect South Main Street.

Said lands are conveyed subject to and together with a 20' wide utility easement as shown on said plat.

Said lands being a portion of the lands as conveyed by Uncle Eddie's Broken Down Palace, LLC to Deena A. Holder by deed dated August 14, 2018 and recorded at Liber 5827, folio 370 among the Land Records of Washington County, Maryland. Together with all the lands as conveyed by Brian Curtis Smith to Uncle Eddie's Broken Down Palace, LLC by deed dated April 10, 2018 and

recorded at Liber 5726, folio 313 among the Land Records of Washington County, Maryland.

And I the said Grantor, do hereby covenant that I will warrant specially the property herein conveyed and that I will execute such other and further assurances as may be necessary and requisite.

Grantor hereby represents and warrants that:

This deed has been prepared by Adam D. Greivell, Esq. without the benefit of a title examination. All parties affirm their understanding that only a title examination will disclose the status of title, including but not limited to, the quality and quantity of title; the possibility of other persons having an interest in the property conveyed by this deed, as well as any other matters disclosed by an examination of title. Notwithstanding this disclosure and having been fully informed of the cost of accomplishing an examination of title, we elect not to have an examination of this title and release Preparer of this deed, from all and any loss, claim, damages and/or liability resulting from a condition of title which might have been disclosed by a title examination of the property conveyed by this deed. Preparer has not issued any opinion on the tax consequences of this transfer or any other rights or consequences to the parties to this deed.

WITNESS our hands and seals.

WITNESS:

_____ (SEAL)
Deena Holder, Grantor

_____ (SEAL)
Justin Holder, Authorized Manager
Uncle Eddies Brokedown Palace, LLC
Grantee

STATE OF MARYLAND, WASHINGTON COUNTY, to-wit:

I HEREBY CERTIFY, That on this 31ST day of May, 2019, before me, the subscriber, a Notary Public, in and for the State and County aforesaid, personally appeared **Deena Holder**, and acknowledged the aforegoing deed to be her act and deed.

WITNESS my hand and Official Notarial Seal.

_____
Notary Public
My Commission Expires: 5/21/2023

JASON DANIEL RAUTH
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND
My Commission Expires 05-21-2023

TODD L. HERSHEY, TREASURER
TAXES PAID 9-19-19 QW

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STATE OF MARYLAND, WASHINGTON COUNTY, to-wit:

I HEREBY CERTIFY, That on this 21st day of May, 2019, before me, the subscriber, a Notary Public, in and for the State and County aforesaid, personally appeared **Justin Holder**, individually, and as **Authorized Manager of Uncle Eddies Brokedown Palace, LLC** and acknowledged the aforegoing deed to be his act and deed.

WITNESS my hand and Official Notarial Seal.

Notary Public
My Commission Expires: 5/21/2023

JASON DANIEL RAUTH
NOTARY PUBLIC
WASHINGTON COUNTY
MARYLAND
My Commission Expires 05-21-2023

I hereby certify that the foregoing instrument was prepared by, or under the supervision of, the undersigned, an attorney duly admitted to practice before the Court of Appeals of the State of Maryland.

Adam D. Greivell, Attorney

Mail to:

Adam D. Greivell, Esq.
Greivell & Garrott Johnson, LLC
5 Cornell Avenue
Hagerstown, Maryland 21742

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LR - Deed (w Taxes)
Recording Fee - ALL 20.00
Name: uncle eddies brokedown palace llc
Ref:
LR - County Transfer Tax - linked 320.33
LR - Surcharge - linked 40.00
LR - Recordation Tax - linked 870.20
LR - State Transfer Tax - linked 570.33
LR - NR Tax - lkd 0.00
==========
SubTotal: 1,820.86
==========
Total: 1,820.86
09/19/2019 02:54 CC21-TR
#12735389 CC0403 - Washington County/CC04_03_04 - Register 04

This page not to be counted in calculating Recording Fee

Clerk of Circuit Court
Washington County, Maryland
Kevin R. Tucker, Clerk
24 Summit Avenue
Hagerstown, MD 21740
301-790-7991

For Clerks Use Only

Improvement Fee	40.00
Recording Fee	20.00
County Transfer Tax	320.33
Recordation Tax	870.20
State Transfer Tax	570.33
Non-Resident Tax	
TOTAL	1820.86

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1998

State of Maryland

BOOK: 6070 PAGE: 205

☐ Baltimore City ☑ County: Washington

Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.

(Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validatic

1 Type(s) of Instruments (☐ Check Box if addendum Intake Form is Attached.)

1	Deed Deed of Trust		Mortgage Lease		Other _____		Other _____

2 Conveyance Type Check Box

	Improved Sale Arms-Length *[1]*		Unimproved Sale Arms-Length *[2]*		Multiple Accounts Arms-Length *[3]*	✓	Not an Arms-Length Sale *[9]*

3 Tax Exemptions (if applicable) Cite or Explain Authority

Recordation	
State Transfer	
County Transfer	

4 Consideration and Tax Calculations

Consideration Amount	
Purchase Price/Consideration	$ 0.00
Any New Mortgage	$
Balance of Existing Mortgage	$
Other:	$
Other:	$
Full Cash Value:	$

Finance Office Use Only Transfer and Recordation Tax Consideration	
Transfer Tax Consideration	$
X ( ) % =	$
Less Exemption Amount -	$
Total Transfer Tax =	$
Recordation Tax Consideration	$
X ( ) per $500 =	$
TOTAL DUE	$

5 Fees

Amount of Fees	Doc. 1	Doc. 2
Recording Charge	$ 20.00	$
Surcharge	$ 40.00	$
State Recordation Tax	$ 870.20	$
State Transfer Tax	$ 570.33	$
County Transfer Tax	$ 320.33	$
Other	$	$
Other	$	$

Agent:

Tax Bill:

C.B. Credit:

Ag. Tax/Other:

6 Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).

District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LOG
19	002578	5827/370	0073	0127	☐ (5)

Subdivision Name	Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage (4)
				10955	3.81 Acres

Location/Address of Property Being Conveyed (2)

Antietam Drive, Keedysville, MD 21756

Other Property Identifiers (if applicable) | Water Meter Account No.

Residential ☑ or Non-Residential ☐ | Fee Simple ☑ or Ground Rent ☐ Amount:

Partial Conveyance? ☑ Yes ☐ No | Description/Amt. of SqFt/Acreage Transferred: 3.4 acres (See plat 10955)

If Partial Conveyance, List Improvements Conveyed:

7 Transferred From

Doc. 1 – Grantor(s) Name(s)	Doc. 2 – Grantor(s) Name(s)
Deena A. Holder	
Doc. 1 – Owner(s) of Record, if Different from Grantor(s)	**Doc. 2 – Owner(s) of Record, if Different from Grantor(s)**

8 Transferred To

Doc. 1 – Grantee(s) Name(s)	Doc. 2 – Grantee(s) Name(s)
Uncle Eddies brokedown palace, LLC	

New Owner's (Grantee) Mailing Address

P.O. Box 420, Sharpsburg, MD 21782

9 Other Names to Be Indexed

Doc. 1 – Additional Names to be Indexed (Optional)	Doc. 2 – Additional Names to be Indexed (Optional)

10 Contact/Mail Information

Instrument Submitted By or Contact Person

Name: Elizabeth F.Z. Bryan

Firm Lincoln Title & Settlement Services

Address: 19638 Leitersburg Pike, Suite 202, Hagerstown, MD 21742

Phone: (240) 513-4380

☐ Return to Contact Person

☐ Hold for Pickup

☑ Return Address Provided

11 IMPORTANT: *BOTH* THE ORIGINAL DEED *AND* A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER

Assessment Information

☐ Yes ✓ No Will the property being conveyed be the grantee's principal residence?

☐ Yes ✓ No Does transfer include personal property? If yes, identify: _____

✓ Yes ☐ No Was property surveyed? If yes, attach copy of survey (if recorded, no copy required).

Space Reserved for County Validation

Assessment Use Only – Do Not Write Below This Line

Terminal Verification . Agricultural Verification . Whole . Part . Tran. Process Verification

Transfer Number Date Received: Deed Reference: Assigned Property No.:

Year	20	20	Geo.	Map	Sub	Block
Land			Zoning	Grid	Plat	Lot
Buildings			Use	Parcel	Section	Occ. Cd.
Total			Town Cd.	Ex. St.	Ex. Cd.	

REMARKS:

Distribution: White – Clerk's Office Canary – SDAT AOC-CC-300 (5/2007)

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